

EXHIBIT R

Sgt. Tucker

From: KELLY FITZGERALD

To: ROBINSON, KEVIN

BC: WELLES, PAUL; FITZGERALD, KELLY

Date: Friday - November 25, 2011 2:20 PM

Subject: Sgt. Tucker

Lieutenant, after we spoke this morning I still was uneasy about this situation. I've given this thing with Tucker a lot of thought and I have to get this off my chest and then I'll leave you to enjoy your Holiday weekend.

I've been at Narcotics for quite awhile. I was there in 1999 when they Arrested Delford Forte and Derrick Carpenae from Narcotics Conspiracy for stealing cash money out of dope houses. This was investigated and proven, they were caught in the act.

I was there in 2001 when Dogbite (Sgt. Raby) was charged and convicted with stealing money because he had a gambling problem. There were also many accusations against Lt. Art McNamara (Coyote) which were never founded but he retired anyway. I believe the rumors, whether true or not, somehow lessened all the good narcotics work he did as a cop because of the allegations.

Sgt. Kenny Jackson (Action) and crew were transferred for accusations of stealing that as far as I know were investigated but were unfounded. These officers also carry this around to this day.

I say all this to say that each one of these instances had different sets of circumstances. Some you could prove and did, some you know it was happening but never could prove and some that you had no idea if it did or did not and it was never proved and ruined some people's careers. Street cops have to deal with allegations all the time.

In this instance I believe (and this is just an opinion) the best case scenario is to transfer Sgt. Tucker out of Narcotics to remove him from the temptation and to re-assign each member of that crew to the other 5 crews under Narcotics. We can prove that he was supposed to be on surveillance and posted on a social network site to the contrary.

It may be hard to prove and circumstantial at best that he has lied on logs and OT sheets, but because one of his officers has come forward I believe removing Sgt. Tucker would not be unfair nor will it undermine the officers efforts from coming forward. Obviously he would be told that there were allegations of OT stealing and that a prelim investigation shows he did, and that's why he was removed.

I also believe that re-assigning the officers and removing Tucker would send a message to Narcotics as to just how serious we are about this. I will also go one step further and suggest that the crews all be re-aligned with the exception of the crew chiefs and maybe one or 2 officers to remove the sense of comfort or complacency amongst crews that could have led to this sort of thing in the first place.

Again, I am just throwing this out there. My intentions aren't to step on anyone's toes or go above ranks. If I were running Narcotics, this is the decision that I would make and feel it is the best conclusion given this specific incident.

Either way, we'll get past this.

This situation arose in November/December of 2011 when I, Lieutenant Kelly Fitzgerald, of the Detroit Police Department was assigned to the Narcotics Section as an Administrative Sergeant. My primary function was to process all paperwork for the Commanding Officer of Narcotics, Lieutenant Kevin Robinson and I was a direct report to Lieutenant Robinson (referred to as Robinson going forward). During the week of November 21, 2011, Police Officer (now Sergeant) Stephen Geelhood, called me and inquired about why he was not paid for overtime he worked on November 10, 2011. Officer Geelhood (referred to as Geelhood going forward) worked on a Narcotic Raid crew and reported to Sergeant (Now Lieutenant) Joe L. Tucker Jr. (referred to as Tucker going forward). I explained to Geelhood that I would check into the situation and get back to him. I inquired with Police Officer Jennifer Biggers, the timekeeping officer, why Geelhood had not been paid for the overtime (OT) he worked on November 10, 2011 and she wrote me a note and placed copies of four (4) separate OT requests for the case submitted by Tucker which listed Geelhood and other members of the crew. The note stated "Hey Kelly I talked to K-Rob (referring to Robinson) about these yesterday, and he approved the O.T. for 11/4, 11/8, and 11/13. He said he would take a look at the Nov 10th O.T. when he gets back. Thanks!! Crash". The name Crash is Officer Biggers nickname. Robinson eventually denied the OT for 11/10/11 and dated the denial stamp signed November 10, 2011.

Later the same day during the week of November 21, 2011, Geelhood came to see me for an answer as to why the OT was denied by Robinson. I showed him the note given to me and copies of the OT requests authored by Tucker along with copies of their daily Activity Logs for the OT worked and Geelhood became upset and told me he was tired of working all the OT and doing all the work and that Tucker did not actually work the OT but put his name on the OT, and that he (Geelhood) actually worked all the OT and now he is losing out on OT and Tucker is getting paid OT that he is not actually working. I was shocked by his admission and I asked if he had proof that Tucker did not work this OT. He said no and he doubts any of the other guys would tell the truth that Tucker did not work because they work as a "crew concept" and you do not "rat" on anyone like that. He said he had no physical proof that Tucker was not there during those dates (11/4, 11/10, 11/13, 11/18) but that Tucker is forever "tagging" himself on Facebook (FB) at places/locations around the city, suburbs and other states and he told me that he was sure there were specific dates that he (Tucker) actually put in for OT for working at the exact same time he "tagged" himself outside the city or at an specific location which was not the location his activity log listed that he was at that allowed him to get paid the OT. In other words, Tucker was falsifying OT requests and activity logs saying he worked OT that he did not work. He gave me examples of Tucker "tagging" himself on FB with his sick child at a hospital while he was getting paid OT to work at Narcotics, "tagging" himself on FB at a restaurant outside the city, while getting paid OT to work at Narcotics and "tagging" himself on FB from a child's concert downtown while getting paid to work at Narcotics.

I told Geelhood I would look into his allegations and he left my office, but he was very upset/mad that he was still not getting paid for the OT worked on 11/10/11. During that same week of November 21, 2011, after my meeting with Geelhood, I pulled up Tuckers FB page (we were FB friends at the time) and scrolled through the numerous postings and "taggings" Tucker documented on his FB page and was stunned to find similar "taggings" that Geelhood had spoken to me about. I printed those "tags" from a computer on November 22, 2011. I was unsure if there were more dates that Tucker may have posted on FB and could have possibly put in for OT at the exact same time so I printed several days of postings to bring back to the office to verify whether or not Tucker had actually put in for OT during the same time

as alleged. This allegation from Geelhood was of criminal fraud and is a very serious charge and I had to be sure that I was absolutely positive Tucker was committing fraud before I took the evidence and the allegation to the next level. I went through several weeks/months of Tuckers approved OT as well as his normal paid working time and discovered the following results:

- May 9, 2011 Tucker posted he was in Las Vegas at an airport at 8:32 PM but his time sheets says he was at work at Narcotics from 11AM-7PM
- On June 30, 2011, Tucker posted that he was at Providence Hospital with his sick son at 5:41 PM, yet Tucker was on a paid BV day and worked OT on "operation Party Stopper" at Narcotics from 5PM-12A
- On September 23, 2011, Tucker tagged himself and two others and a child in a picture at the Fox Theater at 3:33 PM with characters from a children's play, YoGabbaGabba Show, while he was paid to work his regular scheduled hours of 11A-7P for the day
- On October 22, 2011, Tucker tagged himself at J. Alexanders restaurant (suburb) at 4:03 PM, yet he was paid OT to be on narcotics surveillance from 1P-8P

There were a few other "tags" that stood out that he appeared to be at a certain location conducting various activities (Car Wash, Running at the gym, watching the Lions football game, in Washington DC at the Police Memorial) while he was being paid either OT or regular straight time working at Narcotics. I gathered all the documents and information I had at proceeded to report my findings to Robinson. Robinson seemed disinterested, and gave me the impression that my findings were no big deal. I cannot recall my exact conversation with Robinson but I was upset enough about his lack of concern and what seemed to be him (Robinson) blowing me off that I called Deputy Chief Paul Welles (referred to as Welles going forward), the DC over the Bureau that ran Narcotics and explained to him what I uncovered. Welles was angry, surprised and upset and told me to reduce my concern to writing and email it to Robinson. Welles stated that if Robinson had not brought the allegations and evidence forward by "Monday", that he would step in and get involved.

On Friday, November 25, 2011 at 2:20 PM I authored the following email to Robinson and CC'd Welles:

"Lieutenant, after we spoke this morning I still was uneasy about the situation. I've given this thing with Tucker a lot of thought and I have to get this off my chest and then I'll leave you to enjoy your Holiday weekend.

I've been at narcotics for quite awhile. I was there in 1999 when they Arrested Delford Forte and Derrick Carpenae from Narcotics Conspiracy for stealing cash money out of dope houses. This was investigated and proven, they were caught in the act.

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Robinson never responded but the following Monday, November 28, 2011, Robinson called me into his office to show me a memo he authored addressed to Commander Shereece Fleming-Freeman, of Organized Crime, Robinson's direct boss. The memo read as follows:

"Request for Investigation of overtime worked by personnel assigned to Narcotics.

During the week of November 21, 2011, writer was advised by Sergeant Kelly Fitzgerald, badge S-308, assigned as the administrative Sergeant at Narcotics, that Police Officer Stephen Geelhood, badge 501, assigned to Narcotics Conspiracy Crew contacted her with information. Officer Geelhood stated that there was a discrepancy in overtime that was recently worked and approved during the November 4, 2011 through November 12, 2011 period. Officer Geelhood stated that crew members did not work all the approved overtime during this period and it was approved by crew Sergeant Joe Tucker, badge S-95.

Sergeant Fitzgerald advised writer who in turn advised Commander Fleming Freeman. This allegation implies false or incorrect overtime being paid to members of the crew.

This documentation as the attached are being provided to your office for review and prerogative."

Robinson included the overtime requests dated November 4, 8, 10 and 13, 2011 and he (Robinson) endorsed (signed) the memo. He showed me the memo and told me to hand deliver it to Fleming-Freeman. I explained to him that the memo was not completely accurate and that I had more information/evidence that should be added and attached to the memo and Robinson told me he was sticking to what Geelhood originally complained about (the false OT by Tucker that he could not prove but stated Tucker did not work). I was very upset with Robinson and felt as is this was being down played as some sort of clerical error. I drove to Fleming-Freemans office and delivered the memo and attachment to her. I recall her telling me that I did the right thing and this needed to be reported and she was forwarding the information to Internal Affairs (IA).

On December 7, 2011, members from IA, Sergeant Michelle Zberkot and Richard Firsdon came to Narcotics to speak to me about the incident. I gave them copies of all the information I had and told them of all the additional information I had gathered that was not reported in the memo from Robinson. It is my recollection that they left and came back the following day to retrieve additional timekeeping documents they needed for their investigation.

At some point on 12/7 or 12/8, 2011, they were in my office and Robinson called me and asked why ^{من} were in there with the door shut. When I explained to him that I was giving them additional documents, he became angry and told me that he was in charge and that they needed to talk to him. I went with them into his office while he explained to them that what Tucker was doing was not a crime and that it is done all the time at Narcotics. In front of Robinson ~~I provided~~ I provided Firsdon and Zberkot with three (3) recent OT requests signed and submitted by Tucker. The requests were for OT worked by Tucker and his crew members on November 28-30, 2011. They were complete with signed activity logs from Tucker and crew as well. I then provided them with a FB posting/tag that Tucker posted on November 28, 2011 at 12:31 PM near Paradise NV (Nevada) that was a picture of what appears to be a hotel room and window in the background and he posted "Breakfast overlooking the Vegas Strip, I WANNA STAY!!" Again on November 28, 2011 at 7:38 PM Tucker tagged from McCarran International Airport in Las Vegas Nevada, stating "Time to come home". Then again on November 29, 2011, at 12:53 AM, Tucker tagged himself from Detroit Metro Airport and posted " LUCY, I'm hooooome!!" (Appearing to reference an old I Love Lucy show.

I provided the unapproved OT and all the documents for the three (3) OT requests to Firsdon and Zberkot and they left. I could tell that Robinson was frustrated and he told me to give him the three OT requests so he could look at them. The next morning Robinson handed me back the three requests for OT submitted by Tucker for the dates of November 28-30 and told me to fax IA the OT request for November 28th to show he "Denied" that OT. The date of the Denial stamp and signature from Robinson was December 7, 2011, the date that I gave the documents to Firsdon and Zberkot in his office. Robinson approved the other two dates (11/29-30) and it was my belief that he did that because I had no documents to show that Tucker was not at work and that he worked the OT on those dates. I followed his orders and faxed the info as requested, but I called Firsdon first to tell him what was happening.

Shortly after that date, Geelhood came back to my office and told me that Tucker found out that he came to me about the OT fraud and he was upset that I gave the information to IA. He expressed his fear of being transferred or retaliated against and told me who would not cooperate in the investigation and that he wanted me to call IA and tell them to forget about the whole thing. I expressed to him that I would not do that and I tried to assure him that this was being investigated and he would not be transferred or retaliated against. He was adamant that he was not going to cooperate and left my office. I went to Robinson and told him what happened and I asked if he had told anyone about this incident. He stated to me that he had told Police Officer Booker Toolles (buddah) and that was all. Time passed (a few weeks) and I never heard back from Firsdon and/or Zberkot. I was very frustrated because I felt that nothing changed in the office as far as Tucker and the crew. It was then that I decided to take all the notes I saved and all my correspondence and dates ~~and~~ reduced it to a timeline and documented dates and times and people involved so I would not forget if I was ever questioned formally. This never occurred and after a few months I expressed to DC Welles that I no longer wanted to work at Narcotics in that environment or for Robinson and that I wanted to transfer to another command because of what happened. I even sent emails to other Captains asking if they had openings in their commands so I could transfer out of Narcotics. In October of 2012 Welles transferred me out of Narcotics to the Criminal Investigations Bureau. I never heard another thing about this investigation from anyone including IA.

In November of 2013 I was promoted to the rank of Lieutenant (Tucker was also promoted to Lieutenant along with me) and I was assigned as the Commanding Officer of IA. I had occasion to ask Firsdon who was still at IA now working for me, what happened to the investigation and he told me he was told to turn over all the documents and that the case was "Administratively Closed" by his Lieutenant Whitney Walton and the Commander, Brian Stair. Working at IA for a year and a half I realized rather quickly that the investigation and the information I provided to IA was criminal in nature and should have been looked into by IA and a thorough and compete investigation was warranted. This did not happen.

At the very least, all members mentioned in the complaint should have been interviewed. The investigating OIC could have and should have requested phone records, FB records, financial records, payroll records, video records at Providence Hospital, Fox Theater, Metro Airport, McCann Airport, and any other records that may have provided evidence of fraud. To my knowledge, this did not happen.

At some point in early 2014, while I was in charge of IA, another fraud investigation was brought to the attention of Commander Sims, the Commanding Officer over myself and IA that involved Tucker (now a Lieutenant in charge of the Special Victims Unit, SVU). At the time Tucker was at SVU he reported through the chain of command to my husband, Deputy Chief Charles Fitzgerald, and it was DC Fitzgerald who requested in writing to Commander Sims that IA investigate not only Tucker but other members of SVU due to evidence of possible fraud that surfaced after an audit. Sims gave the information to me and directed me to open and assign an IA investigation on the documents provided, which I did and which was exactly what should have occurred in 2011 when the first complaint was lodged. During the investigation it was reported back to the Chief, during a briefing on the case with myself, the OIC Sergeant Juan Ayala, and Captain Brian Mounsey, the Commanding Officer of Internal Control, who is my direct supervisor, that there was evidence that Tucker at the very least violated several department policies, although the criminal investigation was still ongoing. Chief Craig transferred Tucker as well as his immediate supervisor, Commander Nichols Giaquinto, out of SVU. Tucker was transferred to the 12th Precinct Patrol.

Because of but not limited to, the above mentioned events, Tucker has brought a lawsuit against the City of Detroit naming me, among others as racially discriminating against him and it is sited that I am targeting Tucker because he is black. The suit also speaks of the incident from Narcotics in 2011, stating that I was targeting and investigating him on my own for no reason for fraud and that IA looked into the allegation that I brought forward and it was determined to be "Unfounded".

This was reported in the Detroit News on Friday, July 3, 2015 in an article authored by George Hunter. These accusations against me are completely false. When the allegation of fraud and the information to follow was brought to my attention from Geelhood in 2011, I did exactly what I was supposed to do and gather information and forwarded everything to my supervisors and IA. I took the information to my Lieutenant, my Commander, my Deputy Chief and eventually to IA, all of whom have swept the incident and the evidence I brought forward, under the rug, further leading to the terrible accusations that I am targeting Tucker.

I am respectfully requesting that your office (OIG) look into the following but not limited to:

- Why the initial complaint of criminal conduct that I sent to IA in November/December of 2011 was not investigated, and was closed "Administratively?"
- Why I was never formally interviewed regarding the complaint I sent to IA in November/December of 2011?

- Whether or not DC Welles, Commander Felmming-Freeman, Lieutenant Robinson, or Officer Geelhood were formally interviewed regarding the complaint I sent to IA in November/December of 2011?
- If not, why not?
- Due to the statute of limitations of criminal fraud being five (5) years and still within the scope of possible criminal charges against any member involved in criminal fraudulent activity, I am requesting that all documents that I have provided to IA and still retain copies of, be investigated for both criminal and departmental charges on anyone who violated such charges.

For fear of retaliation against myself and my husband, although I am willing to give my name and my personal information, provide a full statement as well as any and all evidence or supporting documents that I still retain, I am requesting to remain anonymous if and until such time that I must make a public statement.

Thank you for your consideration in this matter.

Kelly Fitzgerald, [REDACTED]
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